

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX DIGITAL  
GROUP, LLC; DAVID SCHAEFER; JORDAN  
GREEN; JEFFREY CONWAY AND JAMES  
MAY,

Defendants.

No. 2:21-cv-811

**PLAINTIFF BUNGIE, INC.'S  
UNOPPOSED MOTION TO SEAL**

NOTE ON MOTION CALENDAR:  
October 26, 2023

At the request of Defendants AimJunkies.com, Phoenix Digital Group, LLC (“Phoenix Digital”), David Schaefer, Jordan Green, Jeffrey Conway, and James May (collectively, “Defendants”), Plaintiff Bungie, Inc. (“Bungie”), pursuant to LCR 5(g) and the Stipulated Protective Order entered by the Court in this matter (Dkt. No. 60), hereby moves to file under seal Exhibits 2-6 to the Declaration of William C. Rava in Support of Bungie’s Omnibus Motion *in Limine* (“Rava Declaration”), and the accompanying references to these exhibits and information in Bungie’s Omnibus Motion *in Limine* (“Motion”).

A party may file a document under seal without prior court approval “[i]f the party files a motion or stipulated motion to seal the document . . . at the same time the party files the sealed document.” LCR 5(g)(2)(B). The contemporaneous motion must include a certification that the parties met and conferred about the need to file the document under seal, the ability to minimize

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1 the material filed under seal, and the possibility of exploring alternatives to filing under seal. LCR  
2 5(g)(3)(A). Where the parties have entered a stipulated protective order, a party wishing to file  
3 confidential documents it obtained from another party in discovery may file a motion to seal but  
4 need not provide a specific statement of the applicable legal standard and the reasons for keeping  
5 a document under seal. LCR 5(g)(3)(B).

6 Here, Bungie intends to file under seal excerpts of deposition transcripts from Defendants  
7 that were taken in the parallel JAMS arbitration proceeding between the same parties and which  
8 were designated in their entirety as Confidential by Defendants. Bungie has an obligation to  
9 maintain the confidentiality of this information under the stipulated protective order in this case  
10 and the virtually identical order in the arbitration proceeding.

11 On October 25, 2023, Bungie's counsel notified counsel for Defendants via email of its  
12 intent to file Exhibits 2-6 to the Rava Declaration in connection with its Motion, including the  
13 specific portions of the deposition testimony to be cited, and asked Defendants to confirm whether  
14 they intended to maintain their confidentiality designations over those portions of the transcripts.  
15 Defendants' counsel stated that the excerpts are still confidential as relating to confidential  
16 business information.

17 A proposed order accompanies this motion.

18 I certify that this memorandum contains 366 words, in compliance with the Local Civil  
19 Rules.

1 Dated: October 26, 2023

By: /s/William C. Rava

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